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ABSTRACT

This two-part survey, devised by the California School Boards Association, is designed to provide an assessment of school district needs and to assist a board of education in setting priorities for evaluation of the district superintendent. The first part, which evaluates the status of the district, includes questions relating to administrative organization, curriculum and instruction, community relations, and other aspects of school district operation. Part II, which is intended to measure administrator characteristics, deals with the superintendent's relation to the board, his or her educational leadership and personal qualities, handling of business and finance, and other aspects of the superintendent's role. The appendix to this volume contains the California attorney general's opinion that the school board of a district can legally meet in executive session to evaluate its superintendent. (Author/DS)

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EVALUATION OF A SUPERINTENDENT
(Guidelines to Assist School Board Members in Planning and in Evaluation)

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PART I — STATUS OF THE DISTRICT

The Survey in Part I should be considered as guidelines designed to:

- Provide an assessment of district needs
- Assist a board in setting priorities for evaluation

This activity establishes the foundation upon which the superintendent can be assessed and should, therefore, be done prior to the actual evaluation.

An examination of this section will illustrate the complexity and breadth of the task that is being undertaken. Because of this, it is necessary to limit the scope of the planning, priority setting and evaluation that can be undertaken at any one time.

DIRECTIONS

1. Each board member should independently mark each item. A "1" would indicate an area of highest priority to you — major additional effort needs to be devoted to this, while a "2" would be an area requiring additional effort — do something more than is presently being done. A "3" would represent a lower priority task — enough is being done, but keep on top of it, and a "4" means the lowest priority — stop concentrating major effort in this area.

2. The superintendent should also indicate what the priorities should be. The superintendent should be encouraged to involve other staff members in developing recommended priorities.

3. Based on the responses of each board member and the superintendent, the board should decide their consensus opinion on what the priority items of the superintendent should be and make any modifications that the board deems necessary. Because of the sensitive nature of evaluation, boards may wish to discuss some elements in executive session. (See Appendix A.)

4. In executive session, if necessary, explain the thinking of the board to the superintendent. Ask the superintendent to prepare specific objectives with a timeline for completing the various high priority projects. In this way, the board will be setting up "success criteria" for a fair and reasonable evaluation. This is critical and should be done at the beginning of the evaluation period.

5. The board should take formal action to approve the set of objectives to be used as the basis for evaluation.

In working with the priority worksheets, you will note the comprehensiveness of the items. Care should be taken by the board in establishing a reasonable workload for the superintendent in any given year.

At the end of the evaluation period, the board should have objective, measurable evidence to show satisfactory completion of the mutually agreed-upon success criteria, and should once again use a four part rating scale to assess how well the tasks were completed.

A sample evaluation schedule might include the following:

- Objectives completed and approved by the Board by October 1
- Report to the public on progress by June 1
- Executive session evaluation of superintendent by June 15
- Board action for any modifications of superintendent's contract by July 1.

Other evaluation schedules may be determined in the final year of a contract so that if the board decides to terminate the contract, it can give written notice by December 31, in accordance with the law. CSBA also has a booklet entitled *Recruiting and Selecting a New Superintendent* which may be purchased for $3 per copy, including tax and handling charges.

For assistance in using this document or for further information, please contact:

Instructional Services Division
California School Boards Association
800 Ninth Street, Suite 201
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PART I — STATUS OF THE DISTRICT

Mark your individual priorities in the appropriate left-hand side column. After completion, the summary of board member responses can be summarized in the right-hand column.

Remember, use ratings as follows in planning priorities:

1 — Highest priority — major additional effort needs to be devoted to this
2 — Area requiring additional effort — do something more than is presently being done
3 — Lower priority task — enough is being done, but keep on top of it
4 — Lowest priority — stop concentrating major effort in this area

When assessing the superintendent at the end of the evaluation period, the following scale may be used:

1 — Outstanding job
2 — Successfully completed
3 — Acceptable progress
4 — Little progress made

YOUR CHOICE 1 2 3 4	*ORGANIZATION FOR THE ADMINISTRATION OF THE DISTRICT*	BOARD'S DECISION 1 2 3 4
___ ___ ___ ___	1. A plan for the administrative organization and structure of the entire school district has been devised which shows lines of responsibility and relationships. It provides for present and future needs of the district, and the board, superintendent, and staff are well informed concerning it.	___ ___ ___ ___
___ ___ ___ ___	2. There is a written statement which outlines the expectations of the board in regard to the role of the superintendent in relation to staff, community, and instructional program.	___ ___ ___ ___
___ ___ ___ ___	3. A policy exists which provides for consideration of promotion of personnel within the district as well as recruiting from outside the district.	___ ___ ___ ___
___ ___ ___ ___	4. The roles and responsibilities of staff members have been outlined.	___ ___ ___ ___
___ ___ ___ ___	5. The present administrative assignments encourage harmonious relationships among various segments of the school system.	___ ___ ___ ___
___ ___ ___ ___	6. There are regularly-scheduled meetings of the superintendent and the administrative staff.	___ ___ ___ ___
___ ___ ___ ___	7. Provision exists for direct two-way communication between central administration and the teaching and classified staff.	___ ___ ___ ___
___ ___ ___ ___	8. A detailed budget is provided for the administration and supervision of the entire certificated and classified staff.	___ ___ ___ ___
___ ___ ___ ___	9. Provision is made for periodic evaluation of the certificated and classified staff.	___ ___ ___ ___

YOUR CHOICE 1 2 3 4		BOARD'S DECISION 1 2 3 4
___ ___ ___ ___	10. Assignments of teachers to grade and/or subject matter are based upon their competency to instruct at the assigned grade level and/or particular subject field.	___ ___ ___ ___
___ ___ ___ ___	11. Custodial and maintenance staff exists for the maintenance of school facilities as a part of the environment conducive to learning.	___ ___ ___ ___
___ ___ ___ ___	12. The business functions of the district are performed by qualified personnel.	___ ___ ___ ___
___ ___ ___ ___	13. Clerical help is provided to relieve professional staff of non-professional functions.	___ ___ ___ ___
___ ___ ___ ___	14. Inservice training for employees is provided.	___ ___ ___ ___
___ ___ ___ ___	15. An affirmative action policy, which applies to all employees, has been adopted.	___ ___ ___ ___
___ ___ ___ ___	16. An acceptable grievance policy has been adopted.	___ ___ ___ ___

CURRICULUM AND INSTRUCTION

___ ___ ___ ___	1. The community, students, administrators, teachers and other staff are involved in developing and updating the philosophy, goals, and objectives at the district level and at each school site.	___ ___ ___ ___
	2. Written board policy exists on the subject of:	
___ ___ ___ ___	a. Educational philosophy, goals, and objectives.	___ ___ ___ ___
___ ___ ___ ___	b. Teaching of controversial issues.	___ ___ ___ ___
___ ___ ___ ___	c. The selection of instructional materials.	___ ___ ___ ___
___ ___ ___ ___	d. The review of instructional materials, the use of which has been questioned by any individual or group.	___ ___ ___ ___
___ ___ ___ ___	e. Evaluation of programs and students on a periodic basis at the school district and site levels.	___ ___ ___ ___
	3. Time is provided at board meetings for the discussion of curriculum and instruction, including:	
___ ___ ___ ___	a. Planning.	___ ___ ___ ___
___ ___ ___ ___	b. Implementation.	___ ___ ___ ___
___ ___ ___ ___	c. Evaluation of programs.	___ ___ ___ ___

YOUR CHOICE 1 2 3 4		BOARD'S DECISION 1 2 3 4
___ ___ ___ ___	4. There is a plan for keeping the community informed concerning the program of instruction and plans for its improvement.	___ ___ ___ ___
___ ___ ___ ___	5. The district has designated an individual to provide a leadership role in the development and improvement of the instructional program.	___ ___ ___ ___
___ ___ ___ ___	6. Provision is made for staff involvement in the continuous development and improvement of the program of instruction.	___ ___ ___ ___
	7. The budget makes provision for the improvement of the instructional program through:	
___ ___ ___ ___	a. Adequate funds for supplies and instructional aids.	___ ___ ___ ___
___ ___ ___ ___	b. Teacher participation in curriculum revision by released time and/or compensation for extra time spent.	___ ___ ___ ___
___ ___ ___ ___	c. Provision for instituting pilot studies of experimental courses and new teaching techniques.	___ ___ ___ ___
___ ___ ___ ___	d. Provision for consultant services, when necessary.	___ ___ ___ ___
___ ___ ___ ___	e. Provision for library services.	___ ___ ___ ___
___ ___ ___ ___	f. Provision for media center.	___ ___ ___ ___
___ ___ ___ ___	8. The curriculum requirements of the Education Code have been met and/or exceeded.	___ ___ ___ ___
	9. Provision is made for the continuous appraisal and evaluation of the instructional program in terms of the district's goals and objectives through use of some of the following methods:	
___ ___ ___ ___	a. A testing program which measures pupil achievement.	___ ___ ___ ___
___ ___ ___ ___	b. Accreditation of secondary schools by appropriate accreditation agencies.	___ ___ ___ ___
___ ___ ___ ___	c. Professional consultants from outside the district.	___ ___ ___ ___
___ ___ ___ ___	d. Reports on graduates' performances.	___ ___ ___ ___
___ ___ ___ ___	e. Analysis of dropout rates and causes.	___ ___ ___ ___
___ ___ ___ ___	f. Trend analysis by subject area and grade level for each school site.	___ ___ ___ ___
	10. Provision is made for improving the quality of teaching through:	
___ ___ ___ ___	a. Inservice training based on district and staff needs.	___ ___ ___ ___

YOUR CHOICE 1 2 3 4		BOARD'S DECISION 1 2 3 4
___ ___ ___ ___	b. Analysis of the district's ability to recruit teachers.	___ ___ ___ ___
___ ___ ___ ___	c. Analysis of the reasons for teacher and administrator turnover.	___ ___ ___ ___
___ ___ ___ ___	d. Analysis of teacher and administrator assignment in conformance with competency.	___ ___ ___ ___
___ ___ ___ ___	11. There is a planned program to effect coordination of the instructional program between various grade levels and between elementary, high school, and college levels (vertical articulation), and between the various disciplines at the same grade level (horizontal articulation).	___ ___ ___ ___
___ ___ ___ ___	12. A system has been devised for the governing board to establish educational program priorities.	___ ___ ___ ___
___ ___ ___ ___	13. The governing board has established standards of expected student achievement at each grade level in each area of study.	___ ___ ___ ___

RESPONSIVENESS TO EACH LEARNER'S NEEDS AND ASPIRATIONS

___ ___ ___ ___	1. Provision is made for instructional process appropriate to the individual learner.	___ ___ ___ ___
___ ___ ___ ___	2. Alternative educational programs are available to students.	___ ___ ___ ___
___ ___ ___ ___	3. There is joint educational planning and evaluation by the teacher, student and parent.	___ ___ ___ ___
___ ___ ___ ___	4. Periodic student-teacher-parent conferences are held.	___ ___ ___ ___
___ ___ ___ ___	5. Students are granted and practice the fundamental rights which are expressed in the Constitution and laws.	___ ___ ___ ___
___ ___ ___ ___	6. An environment which maximizes student motivation for learning and individual expression has been established.	___ ___ ___ ___
___ ___ ___ ___	7. Students and parents are guaranteed access to the individual student's personal records.	___ ___ ___ ___
___ ___ ___ ___	8. Parent visitation and assistance to the instructional staff at school is encouraged.	___ ___ ___ ___
___ ___ ___ ___	9. Administrators and staff initiate and invite home-school contacts, and provide opportunities for parent input.	___ ___ ___ ___
___ ___ ___ ___	10. There is clarification of the roles and responsibilities of the home as it relates to the school and the instructional program.	___ ___ ___ ___
___ ___ ___ ___	11. Each school provides a climate of caring, trust, and respect for all students.	___ ___ ___ ___

YOUR CHOICE 1 2 3 4		BOARD'S DECISION 1 2 3 4
___ ___ ___ ___	12. There is evidence of school-community cohesiveness, as well as continuous academic and social growth for the student.	___ ___ ___ ___

EMPLOYEE AND PUPIL PERSONNEL SERVICES

	1. Written policy and/or collective agreements exist concerning both certificated and classified staff regarding:	
___ ___ ___ ___	a. Salaries and fringe benefits.	___ ___ ___ ___
___ ___ ___ ___	b. Leaves of absence.	___ ___ ___ ___
___ ___ ___ ___	c. Attendance at education conferences.	___ ___ ___ ___
___ ___ ___ ___	d. Evaluation of performance.	___ ___ ___ ___
___ ___ ___ ___	2. Employees are involved in the formulation of policies which directly concern them.	___ ___ ___ ___
___ ___ ___ ___	3. Board policies and/or collective agreements are readily available to each member of the staff.	___ ___ ___ ___
___ ___ ___ ___	4. Communication has been established between the superintendent and all employees and/or employee units.	___ ___ ___ ___
___ ___ ___ ___	5. Provision is made for the complaints of employees to be heard and subsequent action to be taken through either a formal grievance procedure and/or an administrative review of nongrievable items.	___ ___ ___ ___
___ ___ ___ ___	6. Employee representation within the range of the law is encouraged and welcomed at board meetings.	___ ___ ___ ___
___ ___ ___ ___	7. Written personnel records are kept for all members of the staff.	___ ___ ___ ___
	8. Pupil personnel services are provided for students and complete and usable permanent records are kept in the areas of:	
___ ___ ___ ___	a. Attendance and welfare.	___ ___ ___ ___
___ ___ ___ ___	b. Counseling and guidance.	___ ___ ___ ___
___ ___ ___ ___	c. Health.	___ ___ ___ ___
___ ___ ___ ___	d. A comprehensive testing and evaluation program.	___ ___ ___ ___
___ ___ ___ ___	e. The names of persons to be contacted in the event of a student accident or other emergency.	___ ___ ___ ___

YOUR CHOICE 1 2 3 4		BOARD'S DECISION 1 2 3 4
	PERSONNEL	
___ ___ ___ ___	1. An active program for personnel recruitment exists including affirmative action that provides a competent, well-balanced staff.	___ ___ ___ ___
___ ___ ___ ___	2. A systematic check is made of the reference of final candidates for vacancies or prospective vacancies.	___ ___ ___ ___
___ ___ ___ ___	3. Interviews are conducted for top applicants for key positions, such as principals or assistant superintendents, before recommending them to the board for appointment.	___ ___ ___ ___
___ ___ ___ ___	4. The best candidate, regardless of race, creed, sex, age, physical handicap, or national origin, is recommended for employment.	___ ___ ___ ___
___ ___ ___ ___	5. A systematic and uniform evaluation of all nontenure teachers is conducted.	___ ___ ___ ___
___ ___ ___ ___	6. A systematic evaluation of tenure teachers is conducted by administrators.	___ ___ ___ ___
___ ___ ___ ___	7. Advice and assistance and a reasonable opportunity for improvement, within the limitations imposed by the law, are provided to all teachers receiving an unsatisfactory evaluation.	___ ___ ___ ___
___ ___ ___ ___	8. In accordance with the law, uniform procedures exist for dismissal or reassignment of any employee, tenure or probationary, who has been evaluated as unsatisfactory after the employee has been given assistance and an opportunity to improve but still fails to meet the standards of the district.	___ ___ ___ ___
___ ___ ___ ___	9. District administrators have demonstrated judgment in recommending candidates for employment.	___ ___ ___ ___
___ ___ ___ ___	10. A written record of the job performance of every teacher who leaves the system is placed on file to be used as the basis for an official resource for reference requests.	___ ___ ___ ___
___ ___ ___ ___	11. An inservice program exists for continuing growth and professional development of teachers and principals that encourage improvement.	___ ___ ___ ___
___ ___ ___ ___	12. The district staff is provided adequate resources.	___ ___ ___ ___
___ ___ ___ ___	13. The district's administrators accept ultimate responsibility for their staff's decisions and performance.	___ ___ ___ ___
___ ___ ___ ___	14. Training is provided for new leaders to replace principals and other key staff members who may retire or leave .	___ ___ ___ ___
___ ___ ___ ___	15. District administrators have provided for their own temporary replacement in case of emergency.	___ ___ ___ ___

YOUR CHOICE 1 2 3 4		BOARD'S DECISION 1 2 3 4
___ ___ ___ ___	16. Administrators have the confidence and respect of their staff.	___ ___ ___ ___
___ ___ ___ ___	17. Administrators avoid frequent overriding of subordinates.	___ ___ ___ ___
___ ___ ___ ___	18. A systematic evaluation exists for all principals, other administrators, and nonteaching professionals by appropriate administrators.	___ ___ ___ ___
___ ___ ___ ___	19. District administrators are available to staff and private citizens alike within the limitations imposed by their complex duties.	___ ___ ___ ___
___ ___ ___ ___	20. A team spirit exists among the staff in their approach to educational problems.	___ ___ ___ ___
___ ___ ___ ___	21. Open adequate lines of communication exist with the staff.	___ ___ ___ ___
___ ___ ___ ___	22. An appeals procedure, without penalty, has been established for each level of decision-making.	___ ___ ___ ___
___ ___ ___ ___	23. Appropriate arrangements exist for meeting and negotiating with employee representatives.	___ ___ ___ ___

SCHOOL PLANT PLANNING AND MANAGEMENT

___ ___ ___ ___	1. School facilities are adequate to meet student enrollment and to provide an environment conducive to learning.	___ ___ ___ ___
___ ___ ___ ___	2. There is evidence of long-range planning for new sites and facilities where needed.	___ ___ ___ ___
___ ___ ___ ___	3. A plan has been developed for the acquisition of sites as needed.	___ ___ ___ ___
___ ___ ___ ___	4. Recognition has been given to the need for sufficient administrative personnel to keep abreast of the changes taking place in school design and construction in accordance with the educational needs of the district.	___ ___ ___ ___
___ ___ ___ ___	5. Educational specifications are prepared by the district staff in accordance with the educational philosophy of the district and the policies of the board to guide the architect.	___ ___ ___ ___
___ ___ ___ ___	6. The staff is involved in the plans for new facilities.	___ ___ ___ ___
___ ___ ___ ___	7. The board reviews the plans of the architect at various stages in their development.	___ ___ ___ ___
___ ___ ___ ___	8. School plants are well maintained by the staff.	___ ___ ___ ___
___ ___ ___ ___	9. School plants are efficiently utilized by the staff.	___ ___ ___ ___

YOUR CHOICE 1 2 3 4		BOARD'S DECISION 1 2 3 4
___ ___ ___ ___	10. There is a planned program of preventive maintenance.	___ ___ ___ ___
___ ___ ___ ___	11. In planning, consideration should be given to architectural barriers and "attractive hazards."	___ ___ ___ ___

BUSINESS AND FINANCIAL MANAGEMENT

___ ___ ___ ___	1. The current income of the district meets the needs of the total program.	___ ___ ___ ___
	2. The business functions of the district are efficiently managed:	
___ ___ ___ ___	a. The purchase and delivery of supplies is efficient and provides materials for instruction and plant maintenance when needed.	___ ___ ___ ___
___ ___ ___ ___	b. Accounting procedures are in line with recommended accounting practices.	___ ___ ___ ___
___ ___ ___ ___	c. Control over expenditures is safe-guarded.	___ ___ ___ ___
___ ___ ___ ___	1. Funds of the district are committed only by the board of education.	___ ___ ___ ___
___ ___ ___ ___	2. A system of requisitions and purchase orders is used for all purchasing.	___ ___ ___ ___
___ ___ ___ ___	3. Information regarding the system is made available to all employees and deviation from the established procedure is not tolerated.	___ ___ ___ ___
___ ___ ___ ___	3. Management of the business affairs of the district is directed toward serving rather than controlling the instructional program.	___ ___ ___ ___
___ ___ ___ ___	4. The budget is planned in terms of education priorities.	___ ___ ___ ___
___ ___ ___ ___	5. The district maintains adequate reserves for contingencies.	___ ___ ___ ___
___ ___ ___ ___	6. Expenditures for unbudgeted items are authorized only after a review of total expenditures and other unmet needs.	___ ___ ___ ___
___ ___ ___ ___	7. An insurance program is provided.	___ ___ ___ ___
___ ___ ___ ___	8. The budget is presented to the board in a manner which promotes its full understanding.	___ ___ ___ ___
___ ___ ___ ___	9. Full use of the teachers and other staff members is utilized in developing pertinent budget items.	___ ___ ___ ___
___ ___ ___ ___	10. The administration shares with the board its own priorities on various budget items and amounts.	___ ___ ___ ___

YOUR CHOICE 1 2 3 4		BOARD'S DECISION 1 2 3 4
___ ___ ___ ___	11. The board is provided with at least bi-monthly reports on the operating budget accounts.	___ ___ ___ ___

COMMUNITY RELATIONS

___ ___ ___ ___	1. Written board policy governs the relationship of board and staff with mass media — newspapers, television, radio:	___ ___ ___ ___
___ ___ ___ ___	a. Designates who shall be spokesman for the district.	___ ___ ___ ___
___ ___ ___ ___	b. Encourages checking for facts with the district, and district cooperation to make all facts available.	___ ___ ___ ___
	2. A planned program to improve school-community relations is in effect including such things as:	
___ ___ ___ ___	a. Newsletters or bulletins for parents.	___ ___ ___ ___
___ ___ ___ ___	b. School programs and exhibits.	___ ___ ___ ___
___ ___ ___ ___	c. Speeches before community groups.	___ ___ ___ ___
___ ___ ___ ___	d. Citizen involvement in study of specific school problems.	___ ___ ___ ___
___ ___ ___ ___	e. Encouragement of PTA and other parent groups.	___ ___ ___ ___
___ ___ ___ ___	f. Regularly-scheduled reports by the staff on various aspects of the instructional program at board meetings.	___ ___ ___ ___
___ ___ ___ ___	g. A cooperative relationship with news media.	___ ___ ___ ___
___ ___ ___ ___	h. Cooperation with other community agencies such as the planning commission, city council, family service agency, etc.	___ ___ ___ ___
___ ___ ___ ___	3. Written board policy outlines the channeling of complaints, criticisms, and concerns of the community for study and action.	___ ___ ___ ___

PART II — ADMINISTRATIVE CHARACTERISTICS

Evaluation should be an on-going process utilizing both formal and informal methods. Evaluation can be a positive or negative experience. For the benefit of both the superintendent and the district, it should occur and be conducted in the most positive manner possible at least once a year.

The process and criteria to be used in evaluation should be mutually acceptable to the board and the superintendent. Throughout the evaluation process it should be remembered that the purpose of evaluation is to improve the critical elements that are valued.

By using Parts I and II of this document, a board should be able to establish a reasonable and fair evaluation system for the superintendent.

It is recommended that Part II be discussed in executive session when the actual evaluation of the superintendent is under consideration.

YOUR CHOICE 1 2 3 4	*RELATIONSHIP WITH THE BOARD*	BOARD'S DECISION 1 2 3 4
___ ___ ___ ___	1. Keeps the board informed in issues, needs, and operation of the school system.	___ ___ ___ ___
___ ___ ___ ___	2. Offers professional advice to the board on items requiring board action, with appropriate recommendations based on thorough study and analysis.	___ ___ ___ ___
___ ___ ___ ___	3. Interprets and executes the intent of board policy.	___ ___ ___ ___
___ ___ ___ ___	4. Seeks and accepts constructive criticism of his/her work.	___ ___ ___ ___
___ ___ ___ ___	5. Supports board policy and actions to the public and staff.	___ ___ ___ ___
___ ___ ___ ___	6. Has a harmonious working relationship with the board.	___ ___ ___ ___
___ ___ ___ ___	7. Understands his/her role in administration of board policy, makes recommendations for employment or promotion of personnel in writing and with supporting data, and accepts responsibility for his/her recommendations. If the recommendation is questioned by the board, he/she finds another person to recommend.	___ ___ ___ ___
___ ___ ___ ___	8. Receives recommendations for personnel from board members with an open mind but applies the same criteria for his/her selection for recommendation as he/she applies to applications from other sources.	___ ___ ___ ___
___ ___ ___ ___	9. Accepts his/her responsibility for maintaining liaison between the board and personnel working toward a high degree of understanding and respect between the staff and the board.	___ ___ ___ ___
___ ___ ___ ___	10. Remains impartial toward the board, treating all board members alike.	___ ___ ___ ___

YOUR CHOICE 1 2 3 4		BOARD'S DECISION 1 2 3 4
___ ___ ___ ___	11. Refrains from criticism of individual or group members of the board.	___ ___ ___ ___
___ ___ ___ ___	12. Goes immediately and directly to the board when he/she feels an honest, objective difference of opinion exists between him/her and any or all members of the board in an earnest effort to resolve such differences immediately.	___ ___ ___ ___
___ ___ ___ ___	13. Feels free to maintain his/her opposition to matters under discussion by the board until an official decision has been reached, after which time he/she subordinates his/her own views to those of the board as long as he/she remains in its employ.	___ ___ ___ ___

ADMINISTRATION OF THE SCHOOL DISTRICT

___ ___ ___ ___	1. Distinguishes between prime problems and trivialities.	___ ___ ___ ___
___ ___ ___ ___	2. Plans his/her own time so that matters of greatest importance are dealth with thoroughly.	___ ___ ___ ___
___ ___ ___ ___	3. Has organized the staff so that appropriate decision-making may take place at various levels as contrasted with most decisions being made at the superintendent's level.	___ ___ ___ ___
___ ___ ___ ___	4. Periodically reviews and reorganizes staff duties and/or responsibilities to take full advantage of the staff's special competencies and interests.	___ ___ ___ ___
___ ___ ___ ___	5. Has developed a system that assures that all significant activities or duties are performed regularly or administered promptly.	___ ___ ___ ___
___ ___ ___ ___	6. Encourages research and creativity among employees.	___ ___ ___ ___
___ ___ ___ ___	7. Informs the board and general public in an annual report or in a series of reports of the state of the schools in the district.	___ ___ ___ ___
___ ___ ___ ___	8. Provides the board with a written agenda and appropriate back-up material by the determined date before each board meeting.	___ ___ ___ ___

COMMUNITY RELATIONSHIPS

___ ___ ___ ___	1. Has gained the respect and support of the community on the functioning of the district's operation.	___ ___ ___ ___
___ ___ ___ ___	2. Solicits and gives attention to problems and opinions of all groups and individuals.	___ ___ ___ ___
___ ___ ___ ___	3. Develops friendly and cooperative relationships with news media.	___ ___ ___ ___
___ ___ ___ ___	4. Participates actively in community life and affairs.	___ ___ ___ ___

YOUR CHOICE 1 2 3 4		BOARD'S DECISION 1 2 3 4
___ ___ ___ ___	5. Achieves status as a community leader in public education.	___ ___ ___ ___
___ ___ ___ ___	6. Works effectively with public and private agencies.	___ ___ ___ ___

STAFF AND PERSONNEL RELATIONSHIPS

___ ___ ___ ___	1. Develops and executes sound personnel procedures and practices.	___ ___ ___ ___
___ ___ ___ ___	2. Develops good staff morale and loyalty.	___ ___ ___ ___
___ ___ ___ ___	3. Treats all personnel fairly, without favoritism or discrimination, while insisting on performance of duties.	___ ___ ___ ___
___ ___ ___ ___	4. Delegates authority to staff members appropriate to the position each holds.	___ ___ ___ ___
___ ___ ___ ___	5. Recruits and assigns the best available personnel in terms of their competencies.	___ ___ ___ ___
___ ___ ___ ___	6. Encourages participation of appropriate staff members and groups in planning, procedures, and policy interpretation.	___ ___ ___ ___
___ ___ ___ ___	7. Evaluates performance of staff members, giving commendation for good work as well as constructive suggestions for improvement.	___ ___ ___ ___
___ ___ ___ ___	8. Takes an active role in development of salary schedules for all personnel, and recommends to the board the levels which, within budgetary limitations, will best serve the interests of the district.	___ ___ ___ ___
___ ___ ___ ___	9. At the direction of the board, establishes, meets and confers with the negotiating council, representing to the best of his/her ability and understanding the interest and will of the board.	___ ___ ___ ___

EDUCATIONAL LEADERSHIP

___ ___ ___ ___	1. Understands and keeps informed regarding all aspects of the instructional program.	___ ___ ___ ___
___ ___ ___ ___	2. Implements the district's philosophy of education.	___ ___ ___ ___
___ ___ ___ ___	3. Participates with staff, board, and community in studying and developing curriculum improvement.	___ ___ ___ ___
___ ___ ___ ___	4. Organizes a planned program of curriculum evaluation and improvement.	___ ___ ___ ___
___ ___ ___ ___	5. Provides democratic procedures in curriculum work, utilizing the abilities and talents of the entire professional staff and lay people of the community.	___ ___ ___ ___

YOUR CHOICE 1 2 3 4		BOARD'S DECISION 1 2 3 4
___ ___ ___ ___	6. Exemplifies the skills and attitudes of a master teacher and inspires others to highest professional standards.	___ ___ ___ ___

BUSINESS AND FINANCE

___ ___ ___ ___	1. Keeps informed on needs of the school program — plant, facilities, equipment, and supplies.	___ ___ ___ ___
___ ___ ___ ___	2. Supervises operations, insisting on competent and efficient performance.	___ ___ ___ ___
	3. Determines that:	
___ ___ ___ ___	a. Funds are spent wisely.	___ ___ ___ ___
___ ___ ___ ___	b. Adequate control and accounting are maintained.	___ ___ ___ ___
___ ___ ___ ___	4. Evaluates financial needs and makes recommendations for adequate financing.	___ ___ ___ ___

PERSONAL QUALITIES

___ ___ ___ ___	1. Defends principle and conviction in the face of pressure and partisan influence.	___ ___ ___ ___
___ ___ ___ ___	2. Maintains high standards of ethics, honesty, and integrity in all personal and professional matters.	___ ___ ___ ___
___ ___ ___ ___	3. Earns respect and standing among professional colleagues.	___ ___ ___ ___
___ ___ ___ ___	4. Devotes time and energy effectively to job.	___ ___ ___ ___
___ ___ ___ ___	5. Demonstrates ability to work well with individuals and groups.	___ ___ ___ ___
___ ___ ___ ___	6. Exercises good judgment and the democratic processes in arriving at decisions.	___ ___ ___ ___
___ ___ ___ ___	7. Possesses and maintains the health and energy necessary to meet the responsibilities of the position.	___ ___ ___ ___
___ ___ ___ ___	8. Maintains poise and emotional stability in the full range of professional activities.	___ ___ ___ ___
___ ___ ___ ___	9. Is customarily suitably attired and well groomed.	___ ___ ___ ___
___ ___ ___ ___	10. Uses English effectively in dealing with staff members, the board, and the public.	___ ___ ___ ___
___ ___ ___ ___	11. Writes clearly and concisely.	___ ___ ___ ___

YOUR CHOICE 1 2 3 4		BOARD'S DECISION 1 2 3 4
___ ___ ___ ___	12. Speaks well in front of large and small groups, expressing ideas in a logical and forthright manner.	___ ___ ___ ___
___ ___ ___ ___	13. Thinks well when faced with an unexpected or disturbing turn of events in a large group meeting.	___ ___ ___ ___
___ ___ ___ ___	14. Maintains professional development by reading, course work, conference attendance, work on professional committees, visiting other districts and meeting with other superintendents.	___ ___ ___ ___

COMMENTS: _____

SIGNED: _____
(President of the Board)

_____
(Superintendent)

DATE: _____

OFFICE OF THE ATTORNEY GENERAL
State of California

EVELLE J. YOUNGER
Attorney General

OPINION

of

EVELLE J. YOUNGER
Attorney General
EDMUND E. WHITE
Deputy Attorney General

No. CV 76/29

SEPTEMBER 1, 1976

THE HONORABLE PETER H. BEHR, SENATOR FOR THE 2ND SENATORIAL DISTRICT, has requested an opinion on the following question:

Do the provisions of the Ralph M. Brown Act authorize a governing board of a school district to meet in executive session for the purpose of a discussion and an evaluation of the performance of its superintendent?

The conclusion is:

The governing board of a school district is authorized by the provisions of Government Code section 54957 to meet in an executive session to discuss and to evaluate the performance of its superintendent.

ANALYSIS

Education Code section 966 provides, in part, that:

> "Except as provided in Sections 54957 . . . of the Government Code [or] in [Education Code] Section 967 . . . all meetings of the governing board of any school district shall be open to the public. . . ."[1]

Government Code[2] section 54953 (known as the "Ralph M. Brown Act") requires that all meetings of the legislative body of a local agency shall be open and public, except as provided in section 54957.

Section 54951 defines "local agency" as including school districts; section 54952 defines "legislative body" as including the governing board or governing body of any local agency.

The open meeting requirements of the Ralph M. Brown Act and of Education Code section 966 both apply to the meetings of a governing board of a public school district. These provisions require all meetings of the governing boards of school districts to be open and public subject to specifically stated exceptions. Education Code section 966 contains two exceptions by its reference to two other code sections: Education Code section 967 and Government Code section 54957.

The Ralph M. Brown Act also provides specifically stated exceptions to its "open and public" meeting requirement. Among the exceptions to the open and public meeting requirement of the Ralph M. Brown Act are the provisions of section 54957.

Education Code section 967 is not applicable to the facts of the question being considered. Therefore, Government Code section 54957 contains the only exception to the open and public meeting requirements of both Government Code section 54953 and Education Code section 966 which could apply here.

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1. Education Code section 967 authorizes an executive session when a school district governing board considers student disciplinary matters, if a public hearing would violate the confidentiality provisions of Education Code section 10751.

2. All section references are to the Government Code unless otherwise specified.

Government Code section 54957 provides, in part, that:

> "Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency . . . from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public employee or to hear complaints or charges brought against such employee by another person or employee unless such employee requests a public hearing. . . ."

Section 54957 further provides, in part, that:

> "For the purposes of this section, the term 'employee' shall not include any person appointed to an office by the legislative body of a local agency; provided, however, that nonelective positions of a city manager, county administrator, city attorney, county counsel, or a department head or other similar administrative officer of a local agency shall be considered employee positions; and provided, further [sic] that nonelective positions of general manager, chief engineer, legal counsel, district secretary, auditor, assessor, treasurer or tax collector of any governmental district supplying services within limited boundaries shall be deemed employee positions." See generally, 59 Ops.Cal.Atty.Gen. 266 (1976).

Although a district superintendent may occasionally be referred to as a "public officer," the correct legal characterization of his status is that of "employee." See Main v. Claremont Unified School Dist., 161 Cal.App.2d 189, 197 (1958); Stewart v. Eaves, 84 Cal.App. 312, 320 (1927).

Thus, the narrow issue presented is whether the phrase "to consider the appointment, employment or dismissal of a public employee" contained in the exception stated in section 54957 to the open and public meeting requirement of the Ralph M. Brown Act authorizes executive sessions for the purpose of a discussion and an evaluation of the performance of a district superintendent.

There are meager clues in the statutes to guide one in ascertaining the legislative intent with respect to the intended meaning of the word "employment" as it is contained in section 54957. See generally, English v. City of Long Beach, 77 Cal.App.2d 894, 898-899 (1947).

Various sections of the Education Code seem to support the conclusion that the word "appointment" is a synonym of "employment" in the sense that a district superintendent may be appointed or employed and, at the expiration of his term, reappointed or reemployed. See generally, language in Education Code section 938, "re-elect or re-employ" and in Education Code section 938.1, "re-electing or re-employing." See also the language of Education Code section 1233, "may employ" and "may be elected."

That conclusion would appear to be supported further by the language of Government Code section 54957.1 (added by Stats. 1975, ch. 959, § 9) which provides that:

> "The legislative body of any local agency shall publicly report at a subsequent public meeting any action taken, and the rollcall vote thereon, to appoint, employ, or dismiss a public employee arising out of any executive session of the legislative body."

By parity of reasoning, the Legislature may be said to have intended to permit executive sessions only concerning action "to appoint, to employ, or to dismiss" a public employee and therefore the phrase "appointment, employment or dismissal" contained in section 54957 is limited to the appointment, the employment or the dismissal of such public employee. Such language supports the conclusion that the Legislature intended to limit executive sessions to the initial appointment or employment of the public employee rather than to permit executive sessions to consider the continued appointment or employment of the public employee, unless such consideration is transformed into the issue of the dismissal of the public employee. Neither is it clear that the "discussion and evaluation" of the performance of a district superintendent rises to the level of the issue of the continued employment of such an employee.

Nevertheless, this office consistently has advised public agencies that the purpose in permitting an executive session concerning personnel matters is to avoid undue publicity and embarrassment to the affected employee. See, e.g., 33 Ops.CAl.Atty.Gen. 32 (1959); cf., Krausen v. Solano County Junior College Dist., 42 Cal.App.3d 394, 404 (1974); Lucas v. Board of Trustees, 18 Cal.App.3d 988, 991 (1971).

In a letter dated October 9, 1970, to the San Diego County Counsel, we concluded that the term "employment" contained in section 54957 ". . . is broad enough to allow local public agencies, including governing boards of school districts, to consider all personnel matters relating to an individual employee at executive sessions and not simply matters relating to initial employment or final discharge."

There is an inevitable tension between the employer and the employee concerning the performance by the employee of his employment responsibilities. There is no question but that premature publicity concerning one's job performance may cause great and possibly unjustified damage to one's personal reputation. The nature of the employment relationship between a governing board and its district superintendent involves consideration of sensitive issues involving the exercise of a sound discretion by the superintendent in the implementation of the policy objectives of the governing board.

The employee is afforded a degree of protection against abuse of an executive session privilege in that he has a right to demand a public hearing. The need to protect the individual's reputation and the need for establishing an environment in which the governing board may openly, candidly and honestly explore subtle and sensitive matters directly related to the district superintendent's management of the school district and his acts in implementation of the governing board's policies suggest that executive sessions on the issue of the superintendent's performance of his duties are within the "employment" exception to the open and public meeting requirement of the Ralph M. Brown Act.

Section 54957 expressly permits an executive session by the governing board to consider complaints or charges against its superintendent. These issues involve the performance by the superintendent of his official duties. In light of this provision, is it reasonable to believe that where the governing board itself believes there is a need to evaluate its superintendent's performance of

specific official duties that the Legislature intended to require such discussion at an open and public meeting? The word "employment" seems to express a contrary intent.

In essence, it appears that the decision whether to continue to employ, or to dismiss, a superintendent is inseparably related to the continued evaluation by the governing board, as his employer, of his performance as superintendent. Of course, the Ralph M. Brown Act unquestionably prohibits discussion, in executive session, of matters of educational policy; the executive session is permitted only in connection with the evaluation of the superintendent's performance of specific duties.

For these reasons, it is concluded that a school district governing board is authorized by the provisions of Government Code section 54957 to meet in executive session to discuss and to evaluate the performance of its superintendent.

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